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August 18, 2008

VIA ELECTRONIC MAIL

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 735
New York, NY 10007

Re: United States v. James Bonczek, No. 08 Crim. 361 (PAC)

Dear Judge Crotty:

As Your Honor is aware, the defense moved this Court for permission to review the seized computer hard drives using a Macintosh forensic computer. The government initially refused to provide a Macintosh computer for the review.

As we stated in our motion, forensic review may reveal evidence which is directly relevant to the pending motion to suppress. For this reason we asked for the evidentiary hearing to be held open, so that any further relevant evidence could be admitted. Your Honor granted that request. Hr'g Tr. 144, Jul. 9, 2008.

The defense submitted its motion on July 8 and submitted an affidavit of a computer expert in support of this motion on July 14. The government finally agreed to provide a Macintosh computer, and the Court terminated the motion on August 4.

While the government has now finally purchased a Macintosh computer, it has still not formatted the seized hard drives as required. On August 5, the defense advised the government that all of the hard drives would have to be in a "bit-for-bit" format in order to be reviewed with the Macintosh computer. As of this afternoon, only two of the four hard drives have been converted to this format. The government advises that all of the hard drives will not be properly formatted until the afternoon of August 18.

The Court has ordered that the defense submit its reply to the government's opposition to the motion to dismiss on August 22. However, due to the government's delay in making the evidence available for forensic review, we request a one-week extension to August 29. This will

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allow the defense time to complete the forensic review and include any necessary information in our reply brief. AUSA Kasulis does not oppose this request.

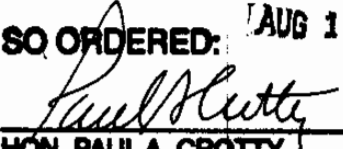
Thank you for your consideration.

Respectfully submitted,


Susan R. Necheles

SRN/jrg

cc: AUSA Telemachus Kasulis (via electronic mail)

SO ORDERED: **AUG 19 2008**

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE